

REMARKS/ARGUMENTS

The rejections presented in the Office action dated February 23, 2005 have been considered. Claims 1-21 are pending. Reconsideration of the pending claims and allowance of the application in view of the present response is respectfully requested.

The non-final Office Action dated February 23, 2005, indicated that claims 1, 2, 4-7, 9, 10, 13, 14, 16, 19 and 20 are rejected under 35 U.S.C. § 102(b) over Bauman *et al* (U.S. Patent No. 5,875,119) and claims 3, 8, 11, 12, 15, 17, 18, and 21 are rejected under 35 U.S.C. § 103(a) over Bauman *et al.* in view of Blaauw *et al.* (U.S. Patent No. 6,819,538).

Applicant respectfully traverses each of the prior art rejections (Sections 102(b) and 103(a)) because the Office Action fails to present a reference or combination of references that corresponds to the claimed invention. As discussed further below, the cited '119 reference fails to teach Applicant's invention, as claimed.

The '119 reference is directed to an embodiment that uses a performance monitor (100 of Fig. 1) which collects data in an open (versus closed) system. The '119 reference does not represent how data is collected inside the system. At column 1 lines 17 – 22, *e.g.*, the '119 reference teaches circuitry that monitors various signals within the system, which are gathered and made available to analyzing devices. To the extent that the Office Action might be referring to the ASIC-directed idea at column 4 of the '119 reference, there appears to be no teaching as to how the performance monitor would be structurally or functionally implemented, except for the brief comment that the performance monitor 100 is integrated somehow with signals somehow connected to the ASIC package pins. Because the Office Action cites multiple embodiments generally, it is not clear that this ASIC-directed idea is being relied upon. If it is being relied upon in support of the rejection, Applicant respectfully submits that the rejection would be deficient in that there is no correspondence to the claimed limitations, and because there is no statement or formal teaching to which the claim limitations could correspond.

According to another interesting but irrelevant '119 embodiment (column 3, line 63 to column 4, line 6), the signals being monitored are sent outside any closed environment to a performance monitor. Furthermore, the description of figures includes a reference to incoming signals, but also in this connection there is no description of how the signals are

generated. Thus, the '119 system uses technology for monitoring signals that corresponds not to the claimed invention but to its prior art.

Furthermore, the '119 system has some drawbacks. One drawback is that the signals of the closed system are monitored from outside the system according to the prior art technology, whereas it is difficult to follow distribution of the performance capacity between different components, for example, because the monitoring itself causes load to the busses of the target system. Another problem is that if the monitoring logic according to the cited document is integrated inside the closed system, such as an ASIC, it is not possible to determine locations of the black spots. Thus, the problem that remains to be solved is how to define operational information of single components comprised by the closed system.

The '119 reference does not give any hint to this kind of solution. More precisely, the cited reference does not teach how to determine exactly enough operational data of a single component comprised by a closed system. On the contrary, the cited document teaches determining operational data of the whole target system, such as an ASIC. Thus, the skilled artisan, when trying to solve the above stated problem on the basis of the cited document, would not be taught how to determine, for example, clock pulses incoming to a single component of an ASIC or clock pulses used during functional tasks.

In contrast to the teachings of the '119 reference, Applicant's claimed invention is directed to a collecting system for collecting operational information per a closed system comprising at least one instrument to be functionally connected to the monitorable component of the closed system and being arranged to collect operational information on at least one of the components, and a data collector comprising at least one register and being arranged to receive operational information collected by the instrument, the register being arranged to store the operational information. Applicant notes that the claimed invention is directed to at least one instrument "being configured to collect operational information on at least one of said components" (*e.g.*, claim 1). Applicant's specification indicates that the claimed instrument must be capable of collecting operation information from at least one individual component. *See, e.g.*, page 2, paragraph 0007 (an instrument connected functionally to it [one monitorable component] and arranged to collect operational information on the

component being monitored) (emphasis added). The MPEP and case law require that claim language be read in view of the Applicant's specification. *See, e.g.*, MPEP § 2173.02 and *CCPI Inc. v. American Premier, Inc.*, 966 F.Supp. 276, 282 (D. Del. 1997) ("There is a fine line between the use of the specification to clarify otherwise cloudy terms in the claim and the extraction of limitations from the specification to impose those limitations on the claims. The first is encouraged, the latter impermissible."). Accordingly, Applicant respectfully submits that the prior art rejections are improper due at least to a failure to present complete correspondence and requests that the rejections be withdrawn.

Moreover, with respect to the Section 103(a) rejection, Applicant traverses for the reasons discussed above and because the cited '538 reference fails to overcome the above discussed deficiencies. The '538 reference does not, nor has the Office Action asserted that, the '538 reference would provide correspondence to the claimed invention, as a whole, when combined with the '119 teachings. Accordingly, Applicant requests that the Section 103(a) rejection be withdrawn.

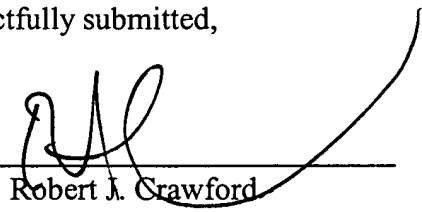
Thus, the '119 reference does not represent all the features according to the independent claims (1, 10, 16 and 20). Furthermore, the independent claims 1, 10, 16 and 20 are substantially different in respect of the cited documents. Thus, claims 1, 10, 16 and 20 are new and inventive. The claims 1, 10, 16 and 20 are the only independent claims, whereupon the dependent claims are also new and inventive.

If the Examiner believes it necessary or helpful, the undersigned attorney of record invites the Examiner to contact him at 651-686-6633 to discuss any issues related to this case.

Respectfully submitted,

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